

## DETAILED ACTION

### *Status of Claims*

1. Claims 1-19, of US Application No. 10/574,986, are being considered below.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

4. Claim 1 is rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, as the phrase "...when said funding is accepted..." is directed to a future event, that may or may not happen. It has been held that actions that may or may not be done are indefinite and do not distinguish the claim from the prior art (*In re Collier*, 158 USPQ 266 (CCPA 1968))

5. Claims 1-19 are system claims directed to an **apparatus**, i.e. a computer, and are rejected under 35 U.S.C. 112, second paragraph. The claims are **hybrid claims**, as they are also directed to method steps. It has been held that a claim that recites both an apparatus and a method steps for using said apparatus is indefinite under section 112, paragraph 2, as such a claim is not sufficiently precise to provide competitors with an accurate determination of the 'metes and bounds' of protection involved (*IPXL Holdings LLC v. Amazon.com Inc.*, 77 USPQ2d 1140 (CA FC 2005); *Ex parte Lyell*, 17 USPQ2d 1548 (B.P.A.I. 1990)). In addition, a single claim which purports to be both a product or machine and a method steps is also ambiguous and is properly rejected under 35 USC 112, second paragraph, for failing to particularly point out and distinctly claim the invention (*Ex Parte Lyell*, 17 USPQ2d 1548 (B.P.A.I. 1990)). While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone (MPEP 2114; *In re Swineheart*, 169 USPQ 226; *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997)).

6. Claims 2-19 are also rejected as each depends from Claim 1.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-2, 5, 8-9, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by DeFrancesco et al. (US 6,587,841, hereinafter referred to as “DeFrancesco”)**

Regarding Claim 1: DeFrancesco discloses: A consumer credit finance cashflow funding system including a local processor operable by a broker (see DeFrancesco: broker or dealer or user or sales representative personnel; Column 4, Lines 36-52; Claims 1-7 and 10, Column 31, Lines 50-53), said local processor including an input means to allow said broker to input data in respect of a funding

request (see DeFrancesco: Abstract; **Fig. 2C-2**; Column 9, Lines 65-67; Column 15, Lines 37-46), and said local processor analysing said data using predefined rules to determine whether funding will be offered in response to said funding request (see DeFrancesco: **Fig. 4**; Claim 8; Column 5, Lines 1-14; Column 16, Lines 20-22 & Lines 34-64; Column 23, Lines 54-63); wherein said local processor synchronises data with a central processor (see DeFrancesco: Claims 6-7, 10; Column 3, Lines 44-56; Column 4, Lines 36-43; Column 10, Lines 40-67; Column 11, Lines 1-65. DeFrancesco further teaches: "*Sending the application to all available funding sources at the same time is sometimes referred to as "shot-gunning," a practice used by some F&I departments to get the quickest response to a credit application.*"; and wherein when said funding is accepted said system performs electronic settlement of contracts and payment schedules (see DeFrancesco: billing reports; Column 6, Lines 47-61; Column 8, Lines 65-67; Column 9, Lines 1-5; Column 12, Lines 19-23; Column 15, Lines 8-18; Column 15, Lines 25-67; Column 23, Lines 26-67; Column 24, Lines 1-24).

Regarding Claim 2: DeFrancesco discloses: wherein when said local processor synchronises with said central processor, said central processor performs settlement of said funding request (see DeFrancesco: Claims 6-7, 10; Column 3, Lines 44-56; Column 4, Lines 36-42; Column 10, Lines 40-67; Column 11, Lines 1-65; Column 23, Lines 57-63).

Regarding Claims 5 and 13: DeFrancesco discloses: wherein data stored on said local processor is replicated on said central processor (see DeFrancesco: Claims 6-7, 10; Column 3, Lines 44-56; Column 4, Lines 36-43; Column 10, Lines 40-67; Column 11, Lines 1-65; Column 16, Lines 49-64).

Regarding Claim 8: DeFrancesco discloses: wherein when said funding is accepted said system sources said funding from a plurality of funders (see DeFrancesco: Column 5, Lines 6-14).

Regarding Claim 9: De Francesco discloses: wherein said system generates, processes and manages funding contracts for said plurality of funders in order to provide said funding (see DeFrancesco: Claims 10, 12-13, 21-22; Column 2, Lines 30-43; Column 13, Lines 30-40).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 4, 6-7, 10-12, and 14-19 rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al. (US 6,587,841, hereinafter referred to as “DeFrancesco”), in view of Kemper et al. (US 6,999,942, hereinafter referred to as “Kemper”)

Regarding Claims 3 and 10: DeFrancesco discloses previous Claims.

DeFrancesco does not specifically disclose: wherein following a failed payment said system creates default fees and performs automatic resubmissions.

However, Kemper does disclose: wherein following a failed payment said system creates default fees and performs automatic resubmissions (see Kemper: **Fig. 3**; **Table 1**; Column 4, Lines 60-67; Column 5, Lines 4-67).

It would have been obvious to modify DeFrancesco's teachings with Kemper's in order to create defaults fees, following a failed payment and perform automatic resubmissions of the loans.

Regarding Claim 4, 11, and 12: DeFrancesco and Kemper disclose previous Claims.

DeFrancesco does not specifically disclose: wherein said system forwards delinquent accounts to a debt collection service and notifies all stakeholders.

However, Kemper does disclose: wherein said system forwards delinquent accounts to a debt collection service and notifies all stakeholders (see Kemper: **Fig. 3**; **Table 1**; Column 2, Lines 42-60; Column 4, Lines 40-43 & Lines 60-67; Column 5, Lines 4-67, Column 8, Lines 60-67; Column 9, Lines 1-7).

It would have been obvious to modify DeFrancesco's teachings with Kemper's in order to forwards delinquent accounts to a debt collection service and thereby notifying all stakeholders as per general accounting principles.

Regarding Claims 6, 16, and 19: DeFrancesco discloses the previous claims.

DeFrancesco discloses: wherein the synchronising of data includes transmission of the data (see DeFrancesco: Column 2, Lines 52-59; Column 3, Lines 44-56; Column 5, Lines 1-5 & 29-32)

DeFrancesco does not disclose: including a header packet to authenticate and validate said data.

However, Kemper does disclose: including a header packet to authenticate and validate said data (see Kemper: **Figs. 10, 11; Table II**; header **240** includes packet header data, such as creation, purpose, and transaction information; Column 15, Lines 35-45; Column 16, Lines 65-67, Column 17, Lines 1-27).

It would have been obvious to modify DeFrancesco's teachings with Kemper's in order to include a header packet to authenticate and validate said data.

Regarding Claim 7: DeFrancesco discloses the previous claim.

DeFrancesco does not disclose: wherein said data also includes database table and record identification codes.

However, Kemper does disclose: wherein said data also includes database table and record identification codes (see Kemper: **Fig. 10; Tables I, II**; Column 5, Lines 15-67; Column 6, Lines 1-16; Column 15, Lines 35-58; Column 18, Lines 1-37; Column 23, Lines 56-64).

It would have been obvious to modify DeFrancesco's teachings with Kemper's in order to include in a simplified manner a database table and record identification codes.



Regarding Claims 14 and 15: DeFrancesco and Kemper disclose the previous claims. DeFrancesco discloses: wherein data stored on said local processor is replicated on said central processor (see DeFrancesco: Claims 6-7, 10; Column 3, Lines 44-56; Column 4, Lines 36-43; Column 10, Lines 40-67; Column 11, Lines 1-65; Column 16, Lines 49-64).

Regarding Claims 17 and 18: DeFrancesco and Kemper disclose the previous claims.

DeFrancesco discloses: wherein the synchronising of data includes transmission of the data (see DeFrancesco: Column 2, Lines 52-59; Column 3, Lines 44-56; Column 5, Lines 1-5 & 29-32)

DeFrancesco does not disclose: including a header packet to authenticate and validate said data.

However, Kemper does disclose: including a header packet to authenticate and validate said data (see Kemper: **Figs. 10, 11; Table II**; header **240** includes packet header data, such as creation, purpose, and transaction information; Column 15, Lines 35-45; Column 16, Lines 65-67, Column 17, Lines 1-27).

It would have been obvious to modify DeFrancesco's teachings with Kemper's in order to include a header packet to authenticate and validate said data.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Khuzadi, Mbuyi N. et al. (US 20010049616) disclose: Group funding forum for networked computer systems.
- Sutton, Robert E. (US 20020019804) discloses: Method for providing financial and risk management .
- GRAFF R. A. (US 20020046144) discloses: Financial analysis output generating method in fields of securities, real-estate, taxation, involves generating market based valuation reflecting computation of current market based discount rate for property
- MacKay, J. Sott (US 20020082985) discloses: Method and system for converting existing or future trade credit obligations into a new obligation.
- Kilgour, Colin Lawrence et al. (US 20030018563) discloses: Trading and processing of commercial accounts receivable.
- Mitchell, Clark Alan (US 5903879) discloses: Method of managing a loan for funding a pension.

- Graff, Richard A. (US 7107239) discloses: Further improved system and methods for computing to support decomposing property into separately valued components.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Joan Amelunxen whose telephone number is (571) 270-5297. The examiner can normally be reached on Monday-Friday -- 07:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 3694

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